

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

01 AUG -7 PM 4:07

ROBERT TUCKER, )  
vs. Plaintiff, )  
JOHN NAGLE, et.al., )  
Defendants. ) CV 01-BU-1021-S

ENTERED

AUG 07 2001

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on July 11, 2001, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on July 21, 2001.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). An appropriate order will be entered.

DATED this 7th day of August, 2001.

  
H. DEAN BUTTRAM, JR.  
UNITED STATES DISTRICT JUDGE